

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Craig Ogg

Application No.: 10/677,829

Confirmation No.: 9780

Filed: October 2, 2003

Art Unit: 3628

For: SYSTEM AND METHOD FOR ACCESSING A
REMOTE POSTAGE METER ACCOUNT
FROM A DEVICE THAT HAS A DEDICATED
LOCAL METER AND ACCOUNT

Examiner: D. Vetter

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed May 1, 2007, Applicant hereby provisionally elects claims 14-26 for continued examination, with traverse.

The Examiner has required restriction between claims 1-13 (identified as Group I) asserted to be drawn to a system for printing postage on a local postage evidencing device using a remote postage account, claims 14-26 (identified as Group II) asserted to be drawn to a method of accessing a remote postage account from a local postage evidencing device, and claims 27-30 (identified as Group III) asserted to be drawn to a computer program product for accessing a remote postage account from a local postage evidencing device having a dedicated local postage account. The Examiner asserts that the inventions of Groups I and II are related as subcombinations disclosed as usable together in a single combination, Restriction Requirement at page 2. The Examiner further asserts that the inventions of Groups I and III are related as subcombinations disclosed as usable together in a single combination, Restriction Requirement at page 3. Likewise, the Examiner asserts that the

inventions of Groups II and III are related as subcombinations disclosed as usable together in a single combination. Applicant respectfully traverses the restriction requirements.

Initially, Applicant points out that the inventions of Groups I, II, and III do not appear to be “subcombinations usable together” as that phrase is used in the M.P.E.P. for restrictions. For example, a combination is defined as “an organization of which a subcombination or element is a part,” M.P.E.P. § 806.05(a). Accordingly, “subcombinations usable together” are logically subcombinations or elements of a same combination. However, in the present case, the invention of Group I is a system, the invention of Group II is a method, and the invention of Group III is a computer program product. Although the method of Group II may be practiced using the system of Group I and/or the computer program product of Group III, and likewise the computer program product of Group III may be operable upon the system of Group I and/or may be used to practice the method of Group II, Applicant respectfully asserts that these inventions, drawn to different statutory categories, are not subcombinations usable in a same combination as set forth in the M.P.E.P.

Moreover, even assuming *arguendo* that the inventions of Group I, Group II, and Group III could be read to be subcombinations usable together as set forth in the M.P.E.P., the restriction requirement is improper. In order for restriction to be proper with respect to subcombinations usable together, the subcombinations must not overlap in scope, M.P.E.P. § 806.05(d). Claim 1 (Group I) recites “a local postage evidencing device having a local postage account; at least one remote server system having one or more remote postage accounts; and a communication link between the local postage evidencing device and the at least one remote server system” Claim 14 (Group II) recites “connecting to a remote postage evidencing system via a local postage evidencing device” Clearly, the subject matter of claim 1 (Group I) and claim 14 (Group II) overlap. That is, each claim includes a local postage evidencing device and a remote evidencing device in communication.

Similarly, claim 27 (Group III) recites “code for connecting to a remote postage evidencing system via a local postage evidencing device” Clearly the subject matter of claim 1 (Group I) and claim 14 (Group II) overlap with that of claim 27 (Group III). That is, each claim includes a local postage evidencing device and a remote evidencing device in communication.

It simply cannot be said that the foregoing "subcombinations" do not overlap in scope. Accordingly, requiring restriction as between any combination of the inventions of Group I, Group II, and Group III as set forth in the Restriction Requirement is improper. Applicant respectfully requests that the restriction requirement be withdrawn.

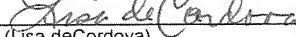
Applicant believes that a fee of \$60.00 is due for the one month extension of time which will be paid by credit card. However, if there is any further amount due, please charge Deposit Account No. 06-2380, under Order No. 61135/P024US/10303362 from which the undersigned is authorized to draw.

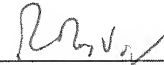
Dated: June 22, 2007

Respectfully submitted,

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: June 22, 2007

Signature: 
(Lisa deCordova)

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